

NEW HAMPSHIRE REAL ESTATE COMMISSION

COMMISSION MEETING

DECEMBER 15, 2005

A meeting of the New Hampshire Real Estate Commission was held on Thursday, December 15, 2005 at 8:30 a.m. in Room 425, State House Annex, 25 Capitol Street, Concord, New Hampshire 03301.

Meeting called to order at 8:30 a.m. by Chairman Arthur Slattery

Present: Commissioners Arthur Slattery, Pauline Ikawa, Nancy LeRoy, Executive Director Beth Emmons, and Investigator Ann Flanagan.

- I. On motion by Commissioner Ikawa, seconded by Commissioner LeRoy, the Commission unanimously approved the Minutes of the Commission meeting held on November 15, 2005.

II. **APPOINTMENTS**

Equivalency Interviews

The following candidates were interviewed by Commissioners Arthur Slattery, Pauline Ikawa, and Nancy LeRoy:

CANDIDATE

DETERMINATION

GEORGE E. CLAYTON

APPROVED

On motion by Commissioner LeRoy, seconded by Commissioner Ikawa, the Commission approved Mr. Clayton's experience as equivalent experience required for a broker license.

DENNIS ROBINSON

APPROVED

On motion by Commissioner LeRoy, seconded by Commissioner Ikawa, the Commission approved Mr. Robinson's experience as equivalent experience required for a broker license.

MICHAEL H. ROCHELEAU

APPROVED

On motion by Commissioner LeRoy, seconded by Commissioner Ikawa, the Commission approved Mr. Rocheleau's experience as equivalent experience required for a broker license.

III. **PRE-HEARING CONFERENCE 8:45 AM**

A pre-hearing conference was conducted pursuant to RSA 541-A:31, V and Administrative Rule Rea 205.07 on the following complaint:

FILE NO. 2004-016 KATHALEEN MCNEALY VS KEVIN HAMPSEY & MICHAEL GRENIER

The following persons were present at the hearing:

Commission: Commissioners Arthur Slattery, Pauline Ikawa, and Nancy LeRoy.

Stenographer: Harry McKenna

Nolin, McKenna & Duffy Reporting Associates
P.O. Box 1658
Dover, NH 03821-1658

Complainant: Kathaleen McNealy

34 Pine Eden Road
Rindge, NH 03461

Respondents: Michael Grenier

Hampsey & Grenier Associates
P.O. Box 533
Jaffrey, NH 03542-0533

&
Kevin Hampsey (Not Present)

Attorney: Peter W. Heed

IV. **APPOINTMENTS CONTINUED**

9:25 a.m. – RICHARD THACKSTON appeared before the Commission to request to be approved as an accredited real estate instructor to teach pre-licensing education, pursuant to Rea 302.01. After review and discussion, and on motion by Commissioner LeRoy, seconded by Commissioner Ikawa, the Commission unanimously approved Mr. Thackston for accreditation as a pre-licensing instructor based on his previous and on-going teaching experience and in-house training for new licensees within his firm since 1996.

9:45 a.m. – WILLIAM D. ECKERT appeared before the Commission to discuss a previous legal incident prior to applying for an original salesperson's license. Christine Corey, the principal broker of America Star Real Estate, LLC also appeared on Mr. Eckert's behalf to inform the Commission that she was aware of Mr. Eckert's previous legal incident and explained that if the Commission decided to allow Mr. Eckert to obtain a salesperson's license that she will be his principal broker. Mr. Eckert submitted a number of letters of recommendation and character references written on his behalf. After review and discussion, and on motion by Commissioner LeRoy, seconded by Commissioner Ikawa, the Commission unanimously decided to allow Mr. Eckert to obtain an original salesperson's license based on the fact that he has had no other legal incidents and based on the testimony of Ms. Corey, and letters and references submitted to the Commission on behalf of Mr. Eckert.

DISCUSSION

ADVERTISEMENTS – The Investigator submitted an advertisement received at the Commission office distributed by Century 21 Richard Thackston & Company for discussion as to whether the advertisement was misleading to the public. Richard Thackston was present for the discussion. The advertisement directs the public to contact their nearest Century 21 Thackston & Company office and lists four towns, each with different local telephone numbers. Century 21 Thackston & Company only has offices in two of the towns listed. After review and discussion, the Commission felt that the advertisement could lead the public to believe that Century 21 Thackston & Company has an office in all locations listed on the advertisement. The Commission made suggestions to clarify the location of the offices within the advertisement. Mr. Thackston stated that he would make changes to the existing advertisement to make it clear that there are no physical offices in two of the locations listed, and will submit the changes to the Commission for review.

RULEMAKING – The Commission reviewed the existing language of various administrative rules and discussed possible changes to the existing language. The Commission directed the Executive Director to make various changes for their review prior to the next Commission meeting.

KELLY ANN COHEN of Verani Realty, Inc. requested a clarification as to whether she would be in compliance with RSA 331-A:16 if she used her maiden name within her legal name as follows: Kelly Roosa Cohen. After review and discussion, the Commission felt that this would be a reasonable derivative of her legal name as required by RSA 331-A:16 where she would continue to use her legal name with her maiden name within her legal name. Ms. Cohen to be so notified.

V. OTHER BUSINESS

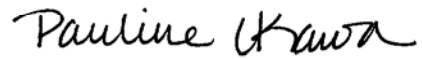
1. Tuesday, January 17, 2006, was unanimously approved as the date for the next regular meeting.
2. CASE EVALUATIONS - None

VI. ADJOURNMENT

Motion by Commissioner LeRoy, seconded by Commissioner Ikawa to adjourn the meeting. Commissioner Slattery adjourned the meeting at 11:22 a.m.

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Respectfully submitted,

A handwritten signature in cursive script that reads "Pauline Ikawa". The signature is written in black ink and is positioned above the printed name and title.

Pauline Ikawa
Acting Clerk